

REMARKS

Claims 1-16 are currently pending, wherein claims 1-4, 6 and 13 have been amended. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

In paragraph 2 of the Office Action (“Action”), the Examiner rejects claims 1-4, 6-8 and 10-15 under 35 U.S.C. §102(b) as allegedly being anticipated by the “Program and System Information Protocol for Terrestrial Broadcast and Cable” (“A/65”). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §102, the cited reference must teach each and every claimed element. In the present case, claims 1-4, 6-8 and 10-15 are not anticipated by the A/65 document for at least the reason that the document fails to disclose each and every claimed element as discussed below.

Independent claim 1, as amended, defines a master guide table for a digital broadcast protocol. The master guide table includes, *inter alia*, a version number for each event information table transmitted in a transport stream of the digital broadcast, *and* identification information indicating whether the contents of an event information table have changed or have merely be shifted in time.

In rejecting claim 1, the Examiner asserts that the A/65 document clearly discloses a master guide table comprising identification information classifying whether contents of an event information table in a bit stream are shifted in time or changed in as much as the A/65 document discloses that updates or changes to an event information table, other than shifting, are signaled by increasing the version number. However, the present invention, in contrast to the A/65 document, includes an identifier, in addition to the version number, which indicates whether the contents of an event information table have changed or merely been shifted. This provides the

added benefit of allowing a receiver to determine if the event database needs to be updated by only parsing the master guide table. In contrast, the A/65 document requires that the master guide table be parsed and a comparison be made between the current version number and a previous version number. Accordingly, the A/65 document fails to anticipated claim 1 for at least the reason that the document fails to disclose each and every claimed element.

Independent claim 6, as amended, defines a method of broadcasting that includes, *inter alia*, preparing and transmitting a master guide table that includes a version number for a present event information table, and identification information which indicates whether the contents of the present event information table in a bit stream syntax have been shifted in time or changed. Likewise, independent claim 13 defines a method of providing an electronic program guide that includes, *inter alia*, receiving a master guide table that includes a version number for the present event information table, and identification information which indicates whether the contents of the present event information table in a bit stream syntax have been shifted in time or changed. Accordingly, the A/65 document fails to anticipate claims 6 and 13 for at least those reasons presented above with respect to claim 1.

Claims 2-4, 7, 8, 10-12, 14 and 15 variously depend from claims 1, 6, and 13. Therefore, claims 2-4, 7, 8, 10-12, 14 and 15 are patentably distinguishable over the A/65 document for at least those reasons presented above with respect to claims 1, 6, and 13. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-4, 6-8 and 10-15 under 35 U.S.C. §102.

In paragraph 4 of the Action, the Examiner rejects claims 5, 9, and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over the A/65 document. Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. §103 the Examiner must establish a *prima facie* case of obviousness. In order to support a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to modify the cited reference. Second, there must be a reasonable expectation of success. Finally, the modification must teach each and every claimed element.

In rejecting claims 5, 9, and 16, the Examiner asserts that it would have been obvious to one skilled in the art “to replace the version number for each PID list associated with the EITs, with a flag bit, where the flag value ‘0’ represented no change in content during the time shift and the flag vlaue ‘1’ represents an actual change in content, in order to reduce the transmission overhead.” This assertion is unfounded for the following reason.

The A/65 document explicitly states that the version number is a 5 bit field that is incremented by 1 modulo 32 when any field in the EIT-i changes. Accordingly, the A/65 document expressly teaches away from the modification proposed by the Examiner. Furthermore, the Examiner asserts that the motivation to modify the cited reference would be to reduce the transmission overhead. However, the A/65 document explicitly discloses that the version number is a 5 bit field. Therefore, one skilled in the art would not be motivated to replace a 5 bit field with a 1-bit field to reduce transmission overhead where such modification would render the table noncompliant with the desired protocol. Accordingly, absent proper motivation to modify the A/65 document the rejection of claims 5, 9, and 16 is improper.

In addition, even if one skilled in the art were motivated to modify the A/65 document as suggested by the Examiner, the modification would still fail to render claims 5, 9, and 16 unpatentable for at the reason that the A/65 document fails to disclose or suggest a master guide table that includes a program identifier, version number and identification information as claimed (see discussion above with respect to claims 6 and 13, from which claims 5, 9, and 16

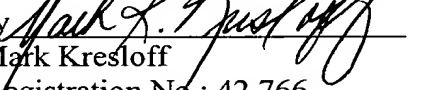
variously depend). Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 5, 9, and 16 under 35 U.S.C. §103..

The application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner find the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: February 25, 2005

Respectfully submitted,

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